

expanded. This trend is not new. The expansion of notions of liberty and equality began with the birth of this Republic.

Our understanding of the Constitution has not been static; rather, it has flowed consistently in the direction of broadening the freedom that Americans have as individuals.

The document has remained, as its writers intended, in my view, a flexible and dynamic instrument. Throughout our history, each evolutionary change, though, has brought controversy. Each expansion of individual liberty has ignited resistance from those who prefer the status quo. But in every instance, moving ahead on liberty has proved to be the right thing to do.

Removing the barriers of race to full equality generated enough conflict in the 19th century to fuel a bitter and bloody civil war, and resistance has been carried on into our own time. But today it is generally acknowledged, even where it was once most resisted, that reducing the barriers of race has strengthened American society.

The granting of more equal rights under the Constitution to women, a change that owes much to the lawyer who is our nominee today, has been similarly controversial. But today, with that process not yet complete, most Americans agree that it has been a change for the better in the life of this society.

The Voting Rights Act, which has extended the practical right to vote to millions of formerly disenfranchised Americans, was and remains a source of controversy, even on the Supreme Court itself. But today there are hundreds of minority women and men holding public office where formerly there were few, even in areas where majority voters dominate the rolls, the entire process bringing us closer to the constitutional goal of representative government.

The controversy that flows inevitably from change has found its way into these hearings in the past, into the confirmation process in the past decade-and-a-half. But it does not alter in any sense what we plan on doing here today.

Our task today, as in all Supreme Court confirmation hearings, is to consider the character and qualities and the judicial philosophy of Ruth Bader Ginsburg.

Judge Ginsburg comes before the committee with her place already secured in history. In the 1970's, Judge, you argued a series of landmark cases that changed the way our laws could distinguish legally between women and men, and you have significantly narrowed the circumstances under which distinctions among Americans may be made. You have already helped to change the meaning of equality in our Nation.

Now, as you face a new opportunity to help shape the future of America, we welcome you, and we invite you—and I personally invite you, Judge, to share with us and the American people your vision of the shape of the future of America.

[The prepared statement of Chairman Biden follows:]

#### PREPARED STATEMENT OF CHAIRMAN BIDEN

Today, the Judiciary Committee welcomes Judge Ruth Bader Ginsburg, the President's nominee to be Associate Justice of the United States Supreme Court.

This is a familiar setting for us—since I became chairman of the committee seven years ago, we have now convened hearings on five nominees to the Supreme Court.

And these confirmation hearings are a major part though not the only part, of the process by which we attempt to fulfill that constitutional duty.

The nomination of a Supreme Court Justice signals the renewal of a national debate over the meaning of our constitution:

How will the broad principles embodied in the constitution—phrases like “due process,” “equal protection” and “rights retained by the people”—be applied to the realities of everyday life?

Profound questions with practical implications have and will continue to confront us:

Does religious freedom mean that a Jewish American soldier cannot wear a yarmulke while on duty despite an army prohibition?

Does “liberty” mean that each of us can decide—without the government deciding for us—whom to marry, where to live, or whether to have children or use contraceptives to avoid having them?

Does the right to own property mean that the government may not, without compensation, prohibit a property owner from polluting a stream that flows through his or her land?

There are no easy answers to such questions—there are not even any “right” answers in the usual sense of the word; but there are valid and varied constitutional approaches to answering them, and the constitutional answers to such questions flow from the interpretive method justices apply to cases that come before them.

Over the more than two centuries in which our constitutional democracy has endured, our understanding of individual freedom has expanded.

This trend is not new: the expansion of notions of liberty and equality began with the birth of the republic.

Our understanding of the constitution has not been static; rather it has flowed consistently in the direction of broadening the freedoms of Americans.

The document has remained, as its writers intended, a flexible and dynamic instrument.

Throughout our history, each evolutionary change has brought controversy; each expansion of individual liberty has ignited resistance from those who prefer the status quo—but in every instance, moving ahead on liberty has proved to be the right thing to do:

Removing the barrier of race to full equality generated enough conflict in the 19th century to fuel a bitter and bloody civil war, and resistance has been carried into our own time.

But today it is generally acknowledged, even where it was once most resisted, that reducing the barriers of race has strengthened American society.

The granting of more equal rights under the constitution to women—a change that owes much to the lawyer who is our nominee today—has been similarly controversial.

But today, with that process not yet complete, most Americans agree that it has been a change for the better in the life of our nation.

The voting rights act, which has extended the practical right to vote to millions of formerly disenfranchised Americans, was and remains a source of controversy, even on the Supreme Court itself; but today there are hundreds of minority women and men holding public office where formerly there were few—even in areas where majority voters dominate the rolls—bringing us closer to the constitutional goal of representative government.

The controversy that flows inevitably from change has found its way into the confirmation process. But it does not alter in any sense what we do here.

Our task today—as in all Supreme Court confirmation hearings—is to consider the character, the qualities and the judicial philosophy of Ruth Bader Ginsburg.

Judge Ginsburg, you come before the committee with your place in history already secure.

In the 1970's you argued a series of landmark cases that changed the way our laws could distinguish between men and women.

You have already helped to change the meaning of equality in our nation.

Now, as you face a new opportunity to help shape the future of America, we welcome you and we invite you to share with us and the American people your vision of the shape of that future.

The CHAIRMAN. I yield now to my colleague, Senator Hatch, the ranking member, who I would also like to publicly thank for expediting this process. As all of my colleagues know, if any of the members in this committee, and particularly the ranking member, concluded that it was not appropriate to move as rapidly as we